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10/27/03

REQUEST

FOR

CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/673,628
Filing Date	December 08, 2000
First Named Inventor	Masato HIGASHI
Group Art Unit	2175
Examiner Name	Samuel G. Rimell
Attorney Docket Number	43890-448

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application

NOTE: 37 C.F.R. § is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 9/10/03
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417.
 - i. RCE fee required under 37 C.F.R. § 1.17(e) \$770.00
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other (additional claims, etc.)
- b. Check in the amount of \$____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

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Technology Center 2100

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Ramyar M. Farid	Registration No. (Attorney/Agent)	46,692
Signature		Date	10/10/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Parents, Box RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)			
Signature		Date	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Masato HIGASHI

Serial No.: 09/673,628

Filed: December 08, 2000

For: DISK SYSTEM AND METHOD OF UPDATING FIRMWARE

Box AF
 Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

No additional fee is required.
 Applicant is entitled to small entity status under 37 CFR 1.27
 Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	16	20	0	\$18.00 =	\$0.00
Independent Claims	3	3	0	\$84.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$0.00
					\$0.00
Total of Above Calculations					\$0.00

Please charge my Deposit Account No. 500417 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Michael E. Fogarty
 Michael E. Fogarty
 Registration No. 36,139

600 13th Street, N.W.
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 (202) 756-8000 MEF:amz
 Facsimile: (202) 756-8087
 Date: September 10, 2003

Response Under 37 CFR 1.116 - Expedited Procedure

Customer Number: 20277

Confirmation Number: 3423

Group Art Unit: 2175

Examiner: Samuel G. Rimell

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SEP 15 2003

Technology Center 2100

Applicant: Masato Hisashi Docket No. 43890-448
 Title/Mark: Disk system and Serial/Reg./Patent No. 09/673628
 Date Sent: 10/19/2003 Hand Carried 1st-Class Mail Cert. of Mailing Express Mail No. _____
 Transmittal Letter
 Utility/Design/Continuation/CIP/RWC/Divisional/PCT
 Other: National Phase
 _____ pages of Specification
 _____ pages of Claims
 _____ pages of Abstract
 _____ pages of Formal/Informal Drawings
 Information Disclosure Statement
 Form PTO 1449
 _____ copies of cited references
 Preliminary Amendment
 Response to Missing Parts Notice
 Certified Copy of Priority Doc.
 Claim for Convention Priority
 Verified Statement of Small Entity Status
 Transmittal of Issue Fee: Form PTO 85b _____ Form PTO 85c _____
 Maintenance Fee for _____ years after grant
 Notice of Appeal Appeal Brief
 Recordation of _____ Patent _____ Trademark: Assignments/Security Agreements/
 Response/Amendment to Office Action of _____ Petition to Commissioner for _____

Other: _____

Check for \$ _____ Total Deposit Account charge for \$ 1260 Attorney: MEF ds 3328

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CLO2 Descrip.: 1-8600 SABIN 3-270 5-130

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.